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Remarks/Arguments

In the Office Action of May 10, 2006, claims 1-2, 4-6, and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al (U.S. 3,219,789) in view of Morris et al (U.S. 3,197,611). The rejection acknowledges that Branch fails to disclose a flexible tubular device with a plurality of pivot rings. The rejection states that Morris discloses "rings" of a flexible tube. The rejection then includes the following statement:

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Branch to include the corrugated rings of Morris in order to maintain the actuated position of the welding torch and tubing by resisting any internal tendency to straighten out (Morris et al, column 2, lines 15-17).

However, the rejection fails to establish a prima facie case of obviousness because the rejection fails to state how Branch would be modified to include the corrugated rings of Morris. Where does either Morris or Branch suggest the corrugated rings should be incorporated in the device of Branch?

Furthermore, claim 4 recites "wherein said articulating is conducted in accordance with said target weld path having an irregular path." The rejection fails to state how Branch could be modified with the corrugated rings of Morris to articulate the device of Branch in accordance with a target weld path having an irregular path. In fact, Morris teaches the use of a casing which may be easily bent about any desired curve and when so bent, will retain its set (column 2, lines 1-5). Once the casing having corrugated rings is bent, it retains its position and thus cannot be articulated to follow a target path having an irregular path. No prima facie case of obviousness has been established with respect to any rejection utilizing the references Branch and Morris. Withdrawal of the rejection is respectfully requested.

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Notwithstanding the foregoing, Applicant has amended independent claims 1 and 13 to include additional limitations which in combination with the other limitations of each claim, are not disclosed or suggested by any of the references of record. The amendments to independent claims 1 and 13 render the rejection moot. Withdrawal of the rejection is respectfully requested.

Claims 7-8 were rejected under 35 U.S.C. 103(b) as being unpatentable over Branch et al and Morris et al as applied to claim 1 and further in view of Corby, Jr. et al (U.S. 4,532,405). Claims 7-8 depend from independent claim 1 and are patentable for the same reasons as claim 1. Neither Branch, Morris or Corby, Jr., individually or in combination, disclose or suggest "communicating motion control commands from the motion controller to the articulation drive device causing the articulation drive device to pivot at least one of the plurality of pivot rings" as set forth in amended claim 1. Withdrawal of the rejection is respectfully requested.

Claims 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Branch and Morris as applied to claim 1, and further in view of Berg et al (U.S. 6,888,972). Claim 9 depends from claim 1. Neither Branch, Morris or Berg, individually or in combination, disclose or suggest "communicating motion control commands from the motion controller to the articulation drive device causing the articulation drive device to pivot at least one of the plurality of pivot rings" as set forth in amended claim 1. Nor do Branch, Morris or Berg, individually or in combination, suggest "further positioning the flexible articulate tubular device so as to trace the target weld path comprising measuring temperature using the thermal response device" as set forth in claim 9. Claim 10 depends from claim 9 and is patentable for the same basis as claim 9 and claim 1.

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Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Branch and Morris as applied to claim 14, and further in view of Corby, Jr. Claim 15 depends from claims 14 and 13. Independent claim 13 recites "communicating motion control commands from the motion controller to the articulation drive device causing the articulation drive device to apply a tensile force to one or more of the wires to pivot at least one of said plurality of pivot rings". The newly added limitations of amended claim 13, in combination with the remaining limitations of claim 13, are not disclosed or suggested by any of the references of record. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized and respectfully requested to charge the fee for newly added claims 23-26 and any other fees that may be due with this submission to Deposit Account No. 07-0960.

Respectfully Submitted,



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